

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL C. JAMERSON,)
Petitioner,)
v.) Case No. 4:14 CV 241 CDP
IAN WALLACE,)
Respondent.)

MEMORANDUM AND ORDER

As I explained in my orders entered July 26, 2019 (ECF 58) and October 2, 2019 (ECF 61), petitioner Michael C. Jamerson is time-barred from seeking Rule 60(b) relief from my March 2016 order and judgment denying habeas relief as well as my orders denying his various motions to reconsider. His recent unsuccessful attempts to obtain similar relief in state court do not affect this determination. I will therefore deny his renewed motion to reconsider as well as his various supplements to his motion.

To the extent Jamerson asks that I consider his claim of actual innocence based on new evidence, arguing that he has now exhausted this claim in state court, a district court may consider new habeas claims only after the appropriate court of appeals grants a petitioner's motion to authorize the filing of a second or successive application for writ of habeas corpus. 28 U.S.C. § 2254(b)(3); *Gonzalez v. Crosby*,

545 U.S. 524, 531, 533 (2005) (habeas petitioner's Rule 60(b) motion substantively addressing federal grounds for setting aside state conviction based on "newly discovered evidence" in support of a claim previously denied is in substance a successive habeas petition). Jamerson has not sought such authorization. I must therefore deny his request to review his claim of actual innocence.

In view of Jamerson being time-barred from seeking reconsideration of my previous orders and determinations in this case, and that any new claim must be filed in a new action only after authorization by the court of appeals, any future motions filed in this case to reconsider previous orders and determinations or to consider new claims will be summarily denied.

Accordingly,

IT IS HEREBY ORDERED that petitioner Michael C. Jamerson's motion to reconsider my earlier orders denying his Rule 60(b) motions [65] and all supplements in relation to his motion to reconsider [62] [63] [66] [67] are **DENIED**.

IT IS FURTHER ORDERED that petitioner Michael C. Jamerson's motion to expedite ruling on his motion to reconsider [68] is **DENIED AS MOOT**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 31st day of July, 2020.